

INDEXED ✓
RECORDED ✓
COMPARED ✓

FILED NO. 22

BOOK 44 PAGE 209

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MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

CERTIFICATION

REC. \$ 35.00
AUD. \$
R.M.F. \$ 1.00

STATE OF IOWA :
: SS
MADISON COUNTY :

I, Janet Lea Downs, being first duly sworn on oath, state that I am the city clerk of the City of St. Charles, Iowa. I further state that the City Council of the City of St. Charles, has by resolution, proposed to sell certain real estate described in said resolution. See copy of said Resolution No. 6C-97 attached hereto and marked Exhibit "A". Notice of the proposal to dispose of said real estate was duly given as provided law. See copy of said notice attached hereto and marked Exhibit "B". Hearing on said proposal was held on June 23, 1997, and on said date the City Council, the City of St. Charles, Iowa, passed and adopted Resolution No. 6E-97 approving the sale of said real estate. See copy of said resolution attached hereto and marked Exhibit "C".

Witnessed this 25th day of June, 1997.



Janet Lea Downs
Janet Lea Downs

Subscribed and sworn to before me by Janet Lea Downs on the 25th day of June, 1997.

Ann M. Anderson
Notary Public in and for the State of Iowa

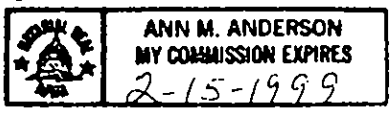


Exhibit "A"

RESOLUTION NO. 60-97

WHEREAS, the City of St. Charles, Iowa, is the owner of of the following described real estate:

A part of the former right-of-way of the Chicago, Burlington and Quincy Railroad Company located in the Southeast Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 26 West of the 5th P.M., City of St. Charles, Madison County, Iowa, more precisely described as follows:

Beginning at the Southwest Corner of Lot 12, Kephart's Addition to St. Charles, Iowa, Plat No. 1; thence North 90°00'00" West 66.54 feet along the North line of Clanton Street extended to the Westerly right-of-way line of the former Chicago, Burlington and Quincy Railroad Company; thence Southwesterly along a 767.30 feet radius curve concave Southwesterly 296.69 feet with a 294.25 feet chord bearing South 27°24'06" West; thence Southwesterly along a 1502.34 feet radius curve concave Southeasterly 136.45 feet with a 106.42 feet chord bearing South 11°33'28" West; thence South 89°57'12" East 50.91 feet to the Easterly right-of-way of the former Chicago Burlington and Quincy Railroad Company which is also the Westerly line of Kephart's Addition to St. Charles, Iowa Plat No. 2; thence Northeasterly 124.12 feet along a 1452.34 feet radius curve concave Southeasterly with a 124.08 feet chord bearing North 11°37'05" East; thence Northeasterly 316.77 feet along a 717.30 feet radius curve concave Southeasterly with a 314.20 feet chord bearing North 29°26'43" East to the Point of Beginning. Said Parcel contains 0.504 acres,

and

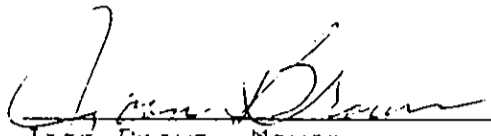
WHEREAS, the City of St. Charles proposes to sell said real estate to to David Lee and Martha Ann Lathrum for the price of \$1.00 and other valuable consideration.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Charles, Iowa:

1. Hearing on said proposal to sell said real estate to David Lee and Martha Ann Lathrum shall be held as required by Iowa Code Section 364.7 on the 23rd day of June, 1997, at 7:00 P.M. at the City Hall in St. Charles, Iowa.

2. Notice of hearing shall be given as required by said Code Section and Iowa Code Section 362.3.

Passed and approved this 2nd day of June, 1997.


Joan Brown, Mayor

Attest:

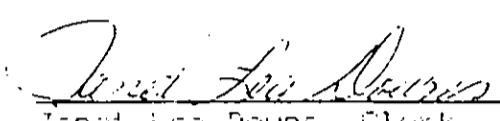

Janet Lee Douns, Clerk

Exhibit "B"

NOTICE OF PROPOSAL
TO DISPOSE OF REAL ESTATE

TO WHOM IT MAY CONCERN;

NOTICE IS HEREBY GIVEN that the City of St. Charles, Iowa, hereby proposes to sell it's right, title and interest in and to the following described real estate:

A part of the former right-of-way of the Chicago, Burlington and Quincy Railroad Company located in the Southeast Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 26 West of the 5th P.M., City of St. Charles, Madison County, Iowa, more precisely described as follows:

Beginning at the Southwest Corner of Lot 12, Kephart's Addition to St. Charles, Iowa, Plat No. 1; thence North 90 00'00" West 66.54 feet along the North line of Clanton Street extended to the Westerly right-of-way line of the former Chicago, Burlington and Quincy Railroad Company; thence Southwesterly along a 767.30 feet radius curve concave Southwesterly 296.69 feet with a 294.95 feet chord bearing South 27 34'06" West; thence Southwesterly along a 1502.94 feet radius curve concave Southeasterly 106.45 feet with a 106.42 feet chord bearing South 11 33'39" West; thence South 29 57'12" East 50.91 feet to the Easterly right-of-way of the former Chicago Burlington and Quincy Railroad Company which is also the Westerly line of Kephart's Addition to St. Charles, Iowa Plat No. 2; thence Northeasterly 124.12 feet along a 1452.84 feet radius curve concave Southeasterly with a 124.08 feet chord bearing North 11 27'05" East; thence Northeasterly 316.77 feet along a 717.00 feet radius curve concave Southeasterly with a 314.20 feet chord bearing North 29 26'43" East to the Point of Beginning. Said Parcel contains 0.504 acres.

to David Lee and Martha Ann Lathrum for the price of \$1.00 and other valuable consideration.

NOTICE IS FURTHER GIVEN that public hearing on said proposal will be held on the 23rd day of June, 1997, at 7:00 P.M., at the City Hall in St. Charles, Iowa.

Dated this 2nd day of June, 1997.

Joan Brown, Mayor

Attest: Janet Lea Downs, Clerk

AFFIDAVIT OF PUBLICATION

STATE OF IOWA
SS.
Madison County

TED GORMAN BEING DULY SWORN
SAYS HE IS PUBLISHER OF THE
WINTERSET MADISONIAN, a once weekly
newspaper of general circulation,
published in Winterset, Iowa, and that
the notice, a copy which is annexed and
made part hereof, was correctly published
in said newspaper

for the period of one consecutive
weeks, the last publication thereof being
on the 18th day of June, 1997.

Ted Gorman

Subscribed and sworn to before me this
18th day of June, 1997.

Raye De Lynne Cook
NOTARY PUBLIC
In and for Madison County

Fee \$18.54



NOTICE OF PROPOSAL
To Dispose Of Real Estate

TO WHOM IT MAY CONCERN:
NOTICE IS HEREBY GIVEN that the City of St. Charles, Iowa, hereby proposes to
sell its right, title, and interest in and to the following described real estate:

A part of the former right-of-way of the Chicago, Burlington and Quincy Railroad
Company located in the Southeast Quarter of the Northeast Quarter of Section
23, Township 75 North, Range 26 West of the 5th P.M., City of St. Charles, Madison
County, Iowa, more precisely described as follows:

Beginning at the Southwest Corner of Lot 12, Kephart's Addition to St. Charles,
Iowa, Plat No. 1; thence North 90° 00' 00" West 66.54 feet along the North line of
Clanton Street extended to the westerly right-of-way line of the former Chicago,
Burlington and Quincy Railroad Company; thence Southwesterly along a 767.30
feet radius curve concave Southwesterly 298.69 feet with a 294.86 feet chord
bearing South 27° 34' 06" West; thence Southwesterly along a 1502.84 feet radius
curve concave Southeastery 138.48 feet with a 136.42 feet chord bearing South 11°
33' 38" West; thence South 89° 57' 12" East 50.91 feet to the Easterly right-of-way of
the former Chicago Burlington and Quincy Railroad Company which is also the
Westerly line of Kephart's Addition to St. Charles, Iowa Plat No. 2; thence
Northwesterly 124.12 feet along a 1252.84 feet radius curve concave Southwesterly
with a 124.08 feet chord bearing North 11° 37' 05" East; thence Northeastery 316.77
feet along a 717.80 feet radius curve concave Southeastery with a 314.20 feet
chord bearing North 29° 36' 43" East to the Point of Beginning. Said Parcel contains
0.504 acres.

to David Lee and Martha Ann Lathrum for the price of \$1.00 and other valuable con-
sideration.

NOTICE IS FURTHER GIVEN that public hearing on said proposal will be held on
the 23rd day of June, 1997, at 7:00 P.M., at the City Hall in St. Charles, Iowa.

Dated this 2nd day of June, 1997.
Joan Brown, Mayor

Attest: Janet Lea Downs, Clerk

Exhibit "C"

RESOLUTION NO. 6E-97

WHEREAS, on June 2, 1997, the City Council of the City of St. Charles, Iowa, passed a resolution proposing to sell certain real estate described as follows:

A part of the former right-of-way of the Chicago, Burlington and Quincy Railroad Company located in the Southeast Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 26 West of the 5th P.M., City of St. Charles, Madison County, Iowa, more precisely described as follows:

Beginning at the Southwest Corner of Lot 12, Kephart's Addition to St. Charles, Iowa, Plat No. 1; thence North 90°00'00" West 66.54 feet along the North line of Clanton Street extended to the Westerly right-of-way line of the former Chicago, Burlington and Quincy Railroad Company; thence Southwesterly along a 767.60 feet radius curve concave Southwesterly 296.09 feet with a 294.95 feet chord bearing South 27°34'06" West; thence Southwesterly along a 1502.64 feet radius curve concave Southeasterly 136.45 feet with a 136.42 feet chord bearing South 11°33'38" West; thence South 89°57'12" East 50.91 feet to the Easterly right-of-way of the former Chicago Burlington and Quincy Railroad Company which is also the Westerly line of Kephart's Addition to St. Charles, Iowa Plat No. 2; thence Northeasterly 124.12 feet along a 1452.64 feet radius curve concave Southeasterly with a 124.02 feet chord bearing North 11°27'06" East; thence Northeasterly 316.77 feet along a 717.30 feet radius curve concave Southeasterly with a 314.20 feet chord bearing North 29°26'48" East to the Point of Beginning. Said Parcel contains 0.504 acres,

and

WHEREAS, a hearing on said proposal to sell said real estate was held on June 23, 1997, at 7:00 P.M., before the City Council; and

WHEREAS, notice of such hearing was given by posting and publication as provided by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Charles, Iowa:

1. That the proposed sale of real estate to David Lee and Martha Ann Lathrum as set forth in the resolution approving said sale is hereby approved.

2. The Mayor and City Clerk are authorized and directed to deliver a quit claim deed to the purchaser of said real estate.

Passed and approved this 23rd day of June, 1997.

James Brown
Mayor

Attest:

Janet Leo Downs
Janet Leo Downs, Clerk